

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00262-MR-DLH**

**CHARLOTTE HUMBLE, SHARON
ISACKSON, JUSTIN HUMBLE,
TREVOR SIMMONS, MARGARET
HOOVER, BELINDA KING, and
JENNIFER SPAYTH BROWNING,
individually and on behalf of all
others similarly situated,**

Plaintiffs,

vs.

**HARRAH'S NC CASINO COMPANY,
LLC, d/b/a Harrah's, Harrah's
Cherokee Valley River Casino,
and Harrah's Cherokee Casino
Resort**

Defendants.

ORDER

THIS MATTER is before the Court on the Motion to Dismiss filed by Defendant Harrah's NC Casino Company, LLC [Doc. 26]; the Magistrate Judge's Memorandum and Recommendation [Doc. 56] regarding the disposition of that motion; the Plaintiffs' Objections to the Memorandum and Recommendation [Doc. 58]; the Defendant's Limited Objections to the

Memorandum and Recommendation [Doc. 57]; and the parties' respective responses to those Objections [Docs. 59, 60].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendants' motion and to submit a recommendation for its disposition.

On June 1, 2018, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motion to dismiss. [Doc. 56]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The parties timely filed their Objections on June 15, 2018. [Docs. 57, 58]. The parties filed their respective replies to the Objections on June 29, 2018. [Doc. 59, 60].

The Plaintiffs first object to the Magistrate Judge's findings of fact. While the Plaintiffs "agree with [the] factual portrayal" presented by the Magistrate Judge, they argue that it was error for him not to have made "specific findings of fact." [Doc. 58 at 6-7]. Particularly, the Plaintiffs argue that the Magistrate Judge erred in not making factual findings on the specific terms of the management agreement or the lack of serious prejudice from

non-joinder of the Tribal Casino Gaming Enterprise (TCGE). [Id. at 7-10]. The Plaintiffs' arguments are not well taken. Plaintiffs fail to provide any authority for their position. More importantly, additional factual recitation regarding the terms of the management agreement or regarding the lack of serious prejudice from non-joinder of TCGE was not necessary. The terms of this agreement are not in dispute, and the Magistrate Judge's Memorandum makes clear his findings as to the nature of the effect of non-joinder upon which he bases his reasoning regarding the second prong (Rule 19(b)) part of this analysis. Plaintiffs' argument is simply one of form over substance.

After careful consideration of the Plaintiffs' remaining Objections and on the Defendant's Limited Objections, the Court finds that the Magistrate Judge's proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Plaintiff's Objections and the Defendant's Limited Objections and accepts the Magistrate Judge's recommendations that the Defendant's Motion to Dismiss be granted.

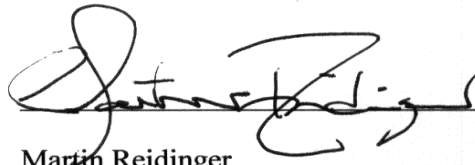
IT IS, THEREFORE, ORDERED that the Plaintiffs' Objections to the Memorandum and Recommendation [Doc. 58] and the Defendant's Limited Objections to the Memorandum and Recommendation [Doc. 57] are

OVERRULED; the Memorandum and Recommendation [Doc. 56] is **ACCEPTED**; and the Defendant's Motion to Dismiss [Doc. 26] is **GRANTED**.

The Clark shall enter a judgment simultaneously herewith.

IT IS SO ORDERED.

Signed: September 28, 2018


Martin Reidinger
United States District Judge

